

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NIGHT OWL GAMES, LP
a Texas Limited Partnership
Plaintiff,

V.

ZYNGA INC.,
a Delaware Corporation
and
ZYNGA GAME NETWORK INC.,
a California corporation
Defendants.

CAUSE NO. 4:11-cv-04062

PLAINTIFF'S NOTICE OF DISMISSAL

COMES NOW, Plaintiff, Night Owl Games, LP, a Texas limited partnership (hereinafter "Night Owl Games"), and file its notice of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

1. Plaintiff is Night Owl Games. Defendants are Zynga, Inc. and Zynga Game Network, Inc.
2. Defendants have not been served with process and have not served an answer or any pleadings.
3. This case is not a class action case.
4. A receiver has not been appointed in this case.
5. This case is not governed by any federal statute that requires a court order for dismissal of the case.
6. Plaintiff has not previously dismissed any federal or state court lawsuit based on or including the same claims as those in this case.
7. This dismissal is without prejudice to refiling.

Prayer for Relief

WHEREFORE, PREMISES CONSIDERED, Plaintiff Night Owl Games respectfully requests that this Court grants Plaintiff's Notice of Dismissal, and grant the Plaintiff all other relief it is justly entitled.

Respectfully Submitted,

By: /s/ Stephen A. Barnes
Stephen A. Barnes, MD, JD
TX Bar No. 24066953
McGEHEE ☆ CHANG, BARNES
Jack E. McGehee TBN 13623700
H. C. Chang TBN 24031930
Stephen A. Barnes TBN 24066953
Benjamin T. Landgraf TBN 24072199
1250 Wood Branch Park Dr., Suite 625
Houston, Texas 77079
(713) 864-4000
(713) 868-9393 fax

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NIGHT OWL GAMES, LP
a Texas Limited Partnership
Plaintiff,

V.

ZYNGA INC.,
a Delaware Corporation
and
ZYNAGA GAME NETWORK INC.,
a California corporation
Defendants.

CAUSE NO. 4:11-cv-04062

ORDER

After considering Plaintiff's notice of dismissal, the Court hereby GRANTS the notice of dismissal and dismisses the above case without prejudice.

Signed this ____ day of _____, 2012.

PRESIDING JUDGE

APPROVED AS TO FORM:

/s/ Stephen A. Barnes
Stephen A. Barnes, MD, JD TBN: 24066953
Jack E. McGehee TBN 13623700
H. C. Chang TBN: 24031930
Benjamin T. Landgraf TBN: 24072199
1250 Wood Branch Park Dr., Suite 625
Houston, Texas 77079
(713) 864-4000
(713) 868-9393 fax
Attorneys for Plaintiff